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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,517	09/26/2000	Zhang Ying	017.38874X00	6046

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EXAMINER

KANG, PAUL H

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/671,517

Applicant(s)

YING ET AL.

Examiner

Paul H Kang

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Examiner Djenane Bayard is no longer the examiner of record in this application. Full faith and credit has been given to the search and action of the previous examiner.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-6, 8-11, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al., U.S. Patent No. 6,029,203, in view of Guerin et al., U.S. Patent No. 6,243,754.

- a. As per claims 1, 8 and 15, Bhatia et al teaches the invention substantially as claimed. Bhatia teaches a system and method for selecting one of a plurality of service providers which are available to a computer system for connection to a network, the apparatus comprising (See col. 5, lines 60-62): at least one database containing data regarding various parameters of the plurality of service providers and service quality requirements for various service types (See col. 5, line 59 - col. 6, line 6);

However, Bhatia et al fails to teach a decision making unit connected to said at least one database for selecting one of said plurality of service providers, said selecting being made according to decision making criteria and data from said at least one database.

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Guerin teaches a decision making unit connected to said at least one database for selecting one of said plurality of service providers, said selecting being made according to decision making criteria and data from said at least one database. Further, Guerin teaches a dynamic selection of network providers. Furthermore, Guerin et al teaches one database for selecting one of said plurality of service providers, said selecting being made according to decision making criteria (See Guerin, col. 3, lines 20-23).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a decision making unit for making said selection based on decision making criteria as taught by Guerin et al in the invention of Bhatia in order to determine the appropriate service provider to use for communication data to a remote called site (See Guerin, col. 3, lines 12-14).

b. As per claim 3, Bhatia-Guerin teaches a modem which is considered as the claimed (an implementation agent) for connecting said computer system to said selected provider (See Bhatia, col. 5, lines 60-66).

c. As per claim 5, Bhatia-Guerin a dynamic selection of network providers. Furthermore, Guerin et al teaches wherein said decision making unit includes a criteria unit for providing different criteria related to different selection parameters and a decision making agent unit for making the decision based on criteria from said criteria unit (See Guerin, col. 3, lines 20-23, col. 3, lines 12-14).

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d. As per claims 6, 9-11, Bhatia-Guerin teaches a dynamic selection of network providers.

Furthermore, Guerin et al teaches wherein said decision making unit further includes a logic unit for providing logic based on different decision criteria to said decision making agent unit (See Guerin, col. 3, lines 15-24 and col. 3, lines 20-21)

e. As per claim 14, Bhatia-Guerin teaches a computer network system comprising: a computer network; a series of pathways to said network controlled by service providers; a computer system selectively connected to said pathways; a selection device for selecting which service provider should be utilized when connecting the computer system to the network (See col. 5, lines 60-65), said selection device including at least one database storing data regarding various parameters about said service providers and service quality requirements (See col. 5, lines 65-67). Bhatia-Guerin teaches a decision making unit for making said selection based on said data stored in said at least one database. Bhatia-Guerin et al teaches a dynamic selection of network providers. Furthermore, Bhatia-Guerin et al teaches wherein a decision making unit for making said selection based on decision making criteria (See Guerin, col. 3, lines 12-23).

f. As to claims 2, Bhatia-Guerin teach a display (See Bhatia, col. 1, line 19 – col. 4, line 30).

4. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia-Guerin, and further in view of U.S. Patent No. 6,301,568 to Globuschutz.

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a. As per claims 4 and 12, Bhatia-Guerin teaches the claimed invention as described above. However, Bhatia-Guerin fails to teach providing a tracking unit for updating data in said at least one database based on current conditions in said service providers.

Globuschutz teaches an integrated subscriber management system architecture supporting multiple services. Furthermore, Globuschutz teaches providing a tracking unit for updating data in said at least one database based on current conditions in said service providers (See Globuschutz, col. 4, lines 18-21)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a tracking unit for updating data in said at least one database based on current conditions in said service providers as taught by Globuschutz in the claimed invention of Bhatia-Guerin in order to facilitate service delivery and control of service provided (See Globuschutz, col. 3, lines 6-10).

5. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia-Guerin-Globuschutz, and further in view of U.S. Patent No 6,282,519 to Peters et al.

a. As per claims 7 and 13, Bhatia-Guerin-Globuschutz teaches the claimed invention as described above. However, Bhatia-Guerin-Globuschutz fails to teach wherein said at least one database includes a first database for storing preconfigured service quality requirements of each normal service type and a second database for storing parameters regarding each provider, including billing data, selection priority data, resource condition data and resource basic information data.

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Peters et al teaches said at least one database includes a first database for storing preconfigured service quality requirements of each normal service type and a second database for storing parameters regarding each provider, including billing data, selection priority data, resource condition data and resource basic information data (See Peters, col. 7, lines 51-62).

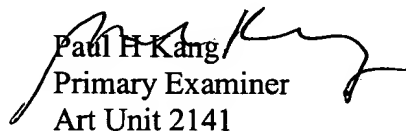
It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate said at least one database includes a first database for storing preconfigured service quality requirements of each normal service type and a second database for storing parameters regarding each provider, including billing data, selection priority data, resource condition data and resource basic information data as taught by Peters et al in the claimed invention of Bhatia-Guerin-Globuschutz order to store all the information necessary for invoice processing and customer information. (See Peters, col. 7, lines 63-64).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Paul H. Kang
Primary Examiner
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